

Docket No.: 2593-0164PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shinji KOMIYAMA et al.

Application No.: 10/576,084

Confirmation No.: 6740

Filed: April 14, 2006

Art Unit: N/A

For: POLYMER ALLOY, CROSSLINKED OBJECT Examiner: Not Yet Assigned
AND INDUSTRIAL PART

RENEWED PETITION UNDER 37 C.F.R § 1.47(a)

Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

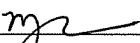
Sir:

Applicants respectfully submit herewith a renewed petition under 37 C.F.R. § 1.47(a) for consideration by the Office of PCT Legal Administration.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 13, 2007

Respectfully submitted,

By 
Mary Anne Armstrong, PhD
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s): Renewed petition with attachments

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RENEWED PETITION UNDER 37 C.F.R § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit the present renewed petition under 37 C.F.R. §1.47(a) for acceptance of the attached Declaration & Power Attorney without the signature of inventor Mr. TAKASHI TOYA. This renewed petition is submitted in response to the Decision on Petition issued on June 14, 2007. As shown below the location of Mr. TOYA is unknown and cannot be determined. Under 37 C.F.R. §1.47(a) and MPEP §409.03 the following are required with a petition under 37 C.F.R. §1.47:

1. Oath or Declaration executed by all available inventors and on behalf of the nonsigning inventor

Previously submitted on February 12, 2007, was an Declaration & Power of Attorney executed by inventors:

SHINJI KOMIYAMA
HIROMI NUMATA
SEJI YOKOYAMA
HARUHIKO FUJITA

Pursuant to MPEP §409(a)(A)(2) the signature block of nonsigning inventor TAKASHI TOYA has been left blank.

2. Proof that the nonsigning inventor cannot be found.

Attached hereto is a supplemental/revised Statement of Facts in Association with Petition under 37 C.F.R. §1.47(a). The Statement of Facts was executed by Mr. Hiroshi Yagi, of Zeon Corp (the Assignee of the present invention), who has first-hand knowledge regarding the effort made to locate Mr. TOYA. In the Statement of Facts, Mr. Yagi indicates that Mr. TOYA had retired from Zeon Corp., prior to his execution of the Declaration & Power of Attorney. Prior to retirement, Mr. TOYA provided a contact address to Zeon Corp (see para. 3).

On June 16, 2006, Mr. Yagi attempted to contact Mr. TOYA at the address provided by Mr. TOYA. However, the letter was returned to Zeon Corp. as being “undeliverable” (see para. 4). As noted in the Statement of Facts, “Undeliverable” in the context of the Japanese postal system means that the addressee (Mr. TOYA) could not be found at the address to which the mail was sent and the postal system had no forwarding address to which they could deliver the package. In this regard, the Examiner requested an English translation of the envelope that was returned by the Japanese postal system as undeliverable. An English translation of the envelope is attached to the Statement of Facts.

Mr. Yagi further did a telephone directory search in Japan for Mr. TOYA and was unable to locate him (see para. 5). Mr. Yagi further states in para. 6 that he has subsequently been unable to locate Mr. TOYA.

3. The last known address of the nonsigning inventor

The last known address of Mr. TOYA is:

Kurio Shinkoyasu Goban #1002
3-388-3 Koyasutori, Kanagawa-ku
Yokohama-shi 251-0014

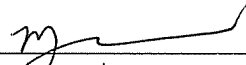
4. Fee

Pursuant to the Decision on Petition issued on June 14, 2007, no additional fee is required for consideration of this renewed petition.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: August 13, 2007

Respectfully submitted,

By 
MaryAnne Armstrong, PhD
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
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Attachment(s): Statement of Facts with accompanying evidence

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STATEMENT OF FACTS IN ASSOCIATION WITH
PETITION UNDER 37 C.F.R § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, HIROSHI YAGI, do hereby declare the following:

- 1) I am employed by Zeon Co. within the Intellectual Property Department.
- 2) In my employment capacity with Zeon Co. I have attempted on more than one occasion to contact Mr. Takashi TOYA, who is an inventor of the above-captioned application.
- 3) I have been unable to contact Mr. TOYA at his last known address, which is the address that Mr. TOYA reported to Zeon Corp at the time of his retirement.
- 4) On June 16, 2006, I sent a letter to Mr. TOYA at his last known address in an attempt to contact him. The letter was returned by the Central Post Office of Japan as being "undeliverable". In the Japanese postal system, the designation of "undeliverable" as noted on the returned envelope means that Mr. TOYA was not found at the address to which the envelope

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was addressed and the postal system had no forwarding address on file to which they could deliver the envelope.

A copy of envelope containing the returned letter and an English translation of the envelope with the markings from the Japanese post office are attached hereto as Exhibit A.

5) Upon receipt of the returned envelope, a telephone search was done by calling "104", which is a telephone directory service in Japan and there was no listing for Mr. TOYA.

6) I have subsequently been unable to determine the current address of Mr. TOYA.

I hereby declare that all statements made herein of my own knowledge are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By Hiroshi Yagi
Mr. Hiroshi YAGI

Date August 1, 2007

Translation of the Envelope

A) a stamp on the upper left-hand side means:

The storage period of this mail has been expired.

We retried to deliver it today to find that the addressee was not there. And so, we give it back to the sender.

220-8799 Yokohama-Chuo Postal Office

H.18. 6.28

B) a stamp on the lower left-hand side means:

Receivable for the addressee only [Special (Postal Mail)]

Note:

- H.18 = 2006

- "Receivable for the addressee only" system:

The deliverer usually leaves a notice at the addressee's mailbox at the first time he/she delivers. The notice asks the addressee to assign when and how to re-deliver and the storage period (usually 10 days from the first delivery date).

A

〒220-8799 横浜中央郵便局

この郵便物は、保管期限が満了し、本日、再度お届けに上がりましたが、ご不在でしたので、お返しします。

戸谷 隆 様

25/00/4

Addressee's Name

横浜 市 神奈川 区 子 通

3-388-3

クリオ新子安伍番

1002

日付印

B

本人限定受取 (特)

142-08-199294

ZEON

日本ゼオン株式会社

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本社 〒100-8246 東京都千代田区丸の内 1-6-2 (新丸の内センタービル) TEL 03(3216)1772

<http://www.zeon.co.jp/>

Senders' name & address